

Senate File 2328

S-5058

1 Amend the amendment, S-5052, to Senate File 2328, as
2 follows:

3 1. By striking page 1, line 1, through page 17, line 13, and
4 inserting:

5 <Amend Senate File 2328 as follows:

6 1. By striking everything after the enacting clause and
7 inserting:

8

<DIVISION I

9 COMMUNICATIONS IN PROFESSIONAL CONFIDENCE — CRIMINAL ACTIONS

10 Section 1. Section 622.10, subsection 4, paragraph a,
11 subparagraph (2), Code 2022, is amended by adding the following
12 new subparagraph division:

13 NEW SUBPARAGRAPH DIVISION. (e) For purposes of this
14 subsection, "*exculpatory information*" means only information
15 that tends to negate the guilt of the defendant, and not
16 information that is merely impeaching or is substantially
17 cumulative in nature.

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DIVISION II

19

NO-CONTACT ORDERS

20 Sec. 2. Section 664A.8, Code 2022, is amended to read as
21 follows:

22 **664A.8 Extension of no-contact order.**

23 ~~Upon the filing of an application by the state or by the~~
24 ~~victim of any public offense referred to in section 664A.2,~~
25 ~~subsection 1 which is filed within ninety days prior to the~~
26 ~~expiration of a modified no-contact order, the~~ The court shall
27 modify and extend the no-contact order upon the expiration of
28 the no-contact order for an additional period of five years,
29 unless, upon the filing of an application by the defendant
30 within ninety days prior to the expiration of a modified
31 no-contact order, the court finds that the defendant no longer
32 poses a threat to the safety of the victim, persons residing
33 with the victim, or members of the victim's family. The number
34 of modifications extending the no-contact order permitted by
35 this section is not limited.

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DIVISION III

DOMESTIC ABUSE ASSAULT PENALTIES

Sec. 3. Section 708.2A, subsection 6, paragraph a, Code 2022, is amended by striking the paragraph.

DIVISION IV

LIMITATION OF CRIMINAL ACTIONS INVOLVING CERTAIN SEXUAL OFFENSES

Sec. 4. Section 802.2B, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. Continuous sexual abuse of a child in violation of section 709.23.

NEW SUBSECTION. 5B. Kidnapping in the first degree when the person kidnapped, and as a consequence of the kidnapping, is intentionally subjected to sexual abuse in violation of section 710.2.

NEW SUBSECTION. 5C. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

Sec. 5. Section 802.2C, Code 2022, is amended to read as follows:

802.2C Kidnapping.

An information or indictment for kidnapping in the first, second, or third degree, except as provided in section 802.2B, committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

DIVISION V

CRIMINAL SENTENCING AND CORRECTIONS

Sec. 6. Section 901.4B, subsection 2, Code 2022, is amended to read as follows:

2. After hearing any statements presented pursuant to

1 subsection 1, and before imposing sentence, the court shall
2 address any victim of the crime who is physically present at
3 the sentencing and shall ~~allow~~ do all of the following:

4 a. Ask any victim or representative of the victim whether
5 the victim has been informed by the prosecuting attorney or the
6 prosecuting attorney's designee of the status of the case and
7 of the prosecuting attorney's recommendation for sentencing.

8 b. Allow any victim to be reasonably heard, including but
9 not limited to by presenting a victim impact statement in the
10 manner described in [section 915.21](#).

11 Sec. 7. Section 901.8, Code 2022, is amended to read as
12 follows:

13 **901.8 Consecutive sentences.**

14 1. If a person is sentenced for two or more separate
15 offenses, the sentencing judge may order the second or further
16 sentence to begin at the expiration of the first or succeeding
17 sentence.

18 2. If a person is sentenced for escape under [section 719.4](#)
19 or for a crime committed while confined in a detention facility
20 or penal institution, the sentencing judge shall order the
21 sentence to begin at the expiration of any existing sentence.
22 If the person is presently in the custody of the director
23 of the Iowa department of corrections, the sentence shall be
24 served at the facility or institution in which the person
25 is already confined unless the person is transferred by the
26 director.

27 3. If a person is sentenced for two or more separate
28 offenses contained in [section 902.12, subsection 1, and one or](#)
29 more of the convictions is for an offense under chapter 709
30 or chapter 710, the sentencing judge shall require that the
31 sentences be served consecutively.

32 4. Except as otherwise provided in [section 903A.7](#), if
33 consecutive sentences are specified in the order of commitment,
34 the several terms shall be construed as one continuous term of
35 imprisonment.

1 Sec. 8. Section 901.11, subsections 2, 3, 4, and 5, Code
2 2022, are amended to read as follows:

3 2. At the time of sentencing, the court shall determine
4 when a person convicted of child endangerment as described in
5 section 902.12, subsection ~~2~~ 3, shall first become eligible
6 for parole or work release within the parameters specified
7 in [section 902.12, subsection ~~2~~ 3](#), based upon all pertinent
8 information including the person's criminal record, a validated
9 risk assessment, and whether the offense involved multiple
10 intentional acts or a series of intentional acts, or whether
11 the offense involved torture or cruelty.

12 3. At the time of sentencing, the court shall determine when
13 a person convicted of robbery in the first degree as described
14 in [section 902.12, subsection ~~3~~ 4](#), shall first become eligible
15 for parole or work release within the parameters specified
16 in [section 902.12, subsection ~~3~~ 4](#), based upon all pertinent
17 information including the person's criminal record, a validated
18 risk assessment, and the negative impact the offense has had
19 on the victim or other persons.

20 4. At the time of sentencing, the court shall determine when
21 a person convicted of robbery in the second degree as described
22 in [section 902.12, subsection ~~4~~ 5](#), shall first become eligible
23 for parole or work release within the parameters specified
24 in [section 902.12, subsection ~~4~~ 5](#), based upon all pertinent
25 information including the person's criminal record, a validated
26 risk assessment, and the negative impact the offense has had
27 on the victim or other persons.

28 5. At the time of sentencing, the court shall determine when
29 a person convicted of arson in the first degree as described
30 in [section 902.12, subsection ~~5~~ 6](#), shall first become eligible
31 for parole or work release within the parameters specified
32 in [section 902.12, subsection ~~5~~ 6](#), based upon all pertinent
33 information including the person's criminal record, a validated
34 risk assessment, and the negative impact the offense has had
35 on the victim or other persons.

1 Sec. 9. NEW SECTION. 902.9A Minimum sentence — certain
2 felonies.

3 The minimum sentence for any person convicted of a felony
4 contained in section 902.12, and who did not receive a deferred
5 judgment or a deferred or suspended sentence under chapter 907,
6 shall be that prescribed by statute or, if not prescribed by
7 statute, shall be determined as follows:

8 1. A class "B" felon shall be confined for no less than one
9 year.

10 2. A class "C" felon shall be confined for no less than two
11 months.

12 3. A class "D" felon shall be confined for no less than one
13 month.

14 Sec. 10. Section 902.12, Code 2022, is amended to read as
15 follows:

16 **902.12 Minimum sentence for certain felonies — eligibility**
17 **for parole or work release.**

18 1. A person serving a sentence for conviction of any of
19 the following felonies that occur on or after July 1, 2022, if
20 other than a class "A" felony, shall be denied parole or work
21 release unless the person has served at least nine-tenths of
22 the maximum term of the person's sentence:

23 a. Homicide or a related crime in violation of chapter 707.

24 b. Assault in violation of chapter 708.

25 c. Terrorism in violation of chapter 708A.

26 d. Sexual abuse in violation of chapter 709.

27 e. Kidnapping or related offenses in violation of chapter
28 710.

29 f. Human trafficking in violation of chapter 710A, except
30 for a violation of section 710A.2A.

31 g. Robbery, aggravated theft, or extortion in violation of
32 chapter 711.

33 h. Arson in violation of chapter 712.

34 i. Burglary in violation of chapter 713, except for a
35 violation of section 713.7.

1 j. Criminal gang participation or gang recruitment in
2 violation of chapter 723A.

3 k. Sexual exploitation of a minor in violation of section
4 728.12.

5 ~~1.~~ 2. A person serving a sentence for conviction of any of
6 the following felonies, ~~including a person serving a sentence~~
7 ~~for conviction of the following felonies~~ that occur prior to
8 July 1, ~~2003~~ 2022, shall be denied parole or work release
9 unless the person has served at least seven-tenths of the
10 maximum term of the person's sentence:

11 a. Murder in the second degree in violation of section
12 707.3.

13 b. Attempted murder in violation of section 707.11, except
14 as provided in section 707.11, subsection 5.

15 c. Sexual abuse in the second degree in violation of section
16 709.3.

17 d. Kidnapping in the second degree in violation of section
18 710.3.

19 e. Robbery in the second degree in violation of section
20 711.3, except as determined in subsection 4 5.

21 f. Vehicular homicide in violation of section 707.6A,
22 subsection 1 or 2, if the person was also convicted under
23 section 321.261, subsection 4, based on the same facts or
24 event that resulted in the conviction under section 707.6A,
25 subsection 1 or 2.

26 ~~2.~~ 3. A person serving a sentence for a conviction of
27 child endangerment as defined in section 726.6, subsection
28 1, paragraph "b", that is described and punishable under
29 section 726.6, subsection 5, shall be denied parole or work
30 release until the person has served between three-tenths and
31 seven-tenths of the maximum term of the person's sentence as
32 determined under section 901.11, subsection 2.

33 ~~3.~~ 4. A person serving a sentence for a conviction for
34 robbery in the first degree in violation of section 711.2 for
35 a conviction that occurs ~~on or after July 1, 2018~~ prior to

1 July 1, 2022, shall be denied parole or work release until
2 the person has served between one-half and seven-tenths of
3 the maximum term of the person's sentence as determined under
4 section 901.11, subsection 3.

5 ~~4.~~ 5. A person serving a sentence for a conviction for
6 robbery in the second degree in violation of [section 711.3](#)
7 for a conviction that occurs ~~on or after July 1, 2016~~ prior
8 to July 1, 2022, shall be denied parole or work release until
9 the person has served between one-half and seven-tenths of
10 the maximum term of the person's sentence as determined under
11 section 901.11, subsection 4.

12 ~~5.~~ 6. A person serving a sentence for a conviction for
13 arson in the first degree in violation of [section 712.2](#) that
14 occurs ~~on or after July 1, 2019~~ prior to July 1, 2022, shall
15 be denied parole or work release until the person has served
16 between one-half and seven-tenths of the maximum term of
17 the person's sentence as determined under section 901.11,
18 subsection 5.

19 Sec. 11. Section 903A.2, subsection 1, paragraph c, Code
20 2022, is amended to read as follows:

21 c. Category "C" sentences are those sentences for attempted
22 murder described in [section 707.11, subsection 5](#), and sentences
23 for the offenses described in section 902.12, subsection 1.
24 Notwithstanding ~~paragraphs~~ paragraph "a" or "b", an inmate
25 serving a category "C" sentence is ineligible for a reduction
26 of sentence under [this section](#).

27 DIVISION VI

28 PAROLE AND WORK RELEASE

29 Sec. 12. Section 906.4, subsection 1, Code 2022, is amended
30 to read as follows:

31 1. A parole or work release shall be ordered only for
32 the best interest of society, any victim of the person, and
33 the offender person, not as an award of clemency. The board
34 shall release on parole or work release any person whom it
35 has the power to so release, only when in its opinion there

1 is ~~reasonable~~ a significant probability that the person can
2 be released without detriment to the community, any victim
3 of the person, or to the person. A person's release is not
4 a detriment to the community, any victim of the person,
5 or the person if the person is able and willing to fulfill
6 the obligations of a law-abiding citizen, in the board's
7 determination.

8 Sec. 13. Section 906.5, subsection 1, paragraph a, Code
9 2022, is amended to read as follows:

10 a. The board shall establish and implement a plan by which
11 the board systematically reviews the status of each person who
12 has been committed to the custody of the director of the Iowa
13 department of corrections and considers the person's prospects
14 for parole or work release. The board shall, at least annually
15 ~~shall~~ but no more frequently than every six months, review
16 the status of a person other than a class "A" felon, a class
17 "B" felon serving a sentence of more than twenty-five years,
18 ~~or~~ a felon serving an offense punishable under section 902.9,
19 subsection 1, paragraph "a", or a felon serving a mandatory
20 minimum sentence other than a class "A" felon, and provide
21 the person with notice of the board's parole or work release
22 decision.

23 Sec. 14. Section 906.5, subsection 1, Code 2022, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. c. The board shall require that all parole
26 hearings be recorded and maintained as public records under
27 chapter 22 for a minimum of three years from the date of the
28 hearing or the most recent release of an inmate on parole.

29 Sec. 15. Section 906.5, subsection 2, Code 2022, is amended
30 to read as follows:

31 2. It is the intent of the general assembly that the board
32 shall implement a plan of early release ~~in an effort to assist~~
33 ~~in controlling the prison population and assuring prison~~
34 ~~space for the confinement of offenders whose release would be~~
35 ~~detrimental to the citizens of this state~~ to ensure that parole

1 or work release is only ordered when in the best interest of
2 society, any victim of the person, and the person. The board
3 shall report to the legislative services agency on a monthly
4 basis concerning the implementation of this plan and the number
5 of inmates paroled pursuant to this plan and the average length
6 of stay of those paroled.

7 DIVISION VII

8 CRIME VICTIMS — RIGHTS

9 Sec. 16. Section 915.11, subsection 1, Code 2022, is amended
10 to read as follows:

11 1. a. A local police department or county sheriff's
12 department shall advise a victim of the right to
13 register with the county attorney, and shall provide a
14 request-for-registration form to each victim. A local police
15 department or county sheriff's department shall provide a
16 telephone number and internet site to each victim to register
17 with the automated victim notification system established
18 pursuant to [section 915.10A](#).

19 b. A local police department or county sheriff's department
20 shall provide a victim with a pamphlet explaining the victim's
21 rights as a victim of a public offense or delinquent act.

22 Sec. 17. Section 915.20, Code 2022, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 1A. A local police department or county
25 sheriff's department shall provide to the crime victim
26 assistance division of the department of justice with the
27 contact information for a victim of a public offense or
28 delinquent act. A victim counselor shall contact a victim to
29 determine whether the victim is in need of further assistance
30 from the victim counselor or whether the victim has any
31 questions regarding the person's rights as a victim.

32 Sec. 18. Section 915.38, Code 2022, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 3A. a. It is the public policy of the
35 state that statements made by children to forensic interviewers

1 at child advocacy centers and child protection centers are
2 presumptively reliable and should be admitted into evidence in
3 the courts.

4 *b.* Notwithstanding any other provision of law, the court
5 shall upon motion of a party admit a recorded statement of a
6 child as defined in section 702.5, if all of the following
7 apply:

8 (1) The recorded statement describes conduct that
9 constitutes a public offense committed against or involving a
10 child, or describes circumstances relevant to such conduct.

11 (2) The recorded statement was obtained by a forensic
12 interviewer employed by an accredited child advocacy center or
13 child protection center.

14 (3) The interview was conducted substantially in accordance
15 with a nationally recognized protocol for interviewing
16 children.

17 (4) The recorded statement is offered in a criminal
18 proceeding, the opposing party was given at least ten days'
19 notice prior to the trial commencing of the intention to admit
20 the recorded statement, and any of the following apply:

21 (a) The child testifies at trial.

22 (b) The child has been questioned by the defendant or the
23 defendant's attorney at a deposition or at any substantially
24 similar setting.

25 (c) The child is unavailable as a witness as provided in
26 rule of evidence 5.804(a).

27 (d) The court finds by a preponderance of the evidence that
28 the child would suffer significant emotional or psychological
29 trauma from testifying in the personal presence of the
30 defendant at the time of the criminal proceeding.

31 *c.* A court may deny the admission of a recorded statement
32 under this section only if the party opposing the admission
33 proves by clear and convincing evidence that the recorded
34 statement is unreliable.

35 *d.* Portions of a recorded interview admitted pursuant to

1 this section may be redacted under the following circumstances:

2 (1) By agreement of the parties.

3 (2) By order of the court, if the court finds by a
4 preponderance of the evidence that redaction is necessary to
5 either:

6 (a) Minimize embarrassment or trauma to the child.

7 (b) Effectuate a provision of the rules of evidence other
8 than the rules against hearsay.

9 Sec. 19. NEW SECTION. 915.44A **Limitation of evidence in**
10 **sexual abuse cases.**

11 A defendant charged with a criminal offense under chapter
12 709 who has filed an application for postconviction relief
13 upon conviction for a criminal offense under chapter 709 shall
14 be precluded from questioning any victim or any other person
15 regarding evidence which is inadmissible under rule of evidence
16 5.412 or any other successor provision. Prohibited evidence
17 includes all of the following:

18 1. Reputation or opinion evidence of a victim offered to
19 prove that a victim engaged in other sexual behavior.

20 2. Evidence of a victim's other sexual behavior other than
21 reputation or opinion evidence.

22 3. Evidence of a victim's sexual predisposition.

23 Sec. 20. COMMISSION ON CONTINUING LEGAL EDUCATION —
24 CONTINUING LEGAL EDUCATION REQUIREMENTS. The supreme court
25 shall amend Iowa court rule 42.2 to require all attorneys
26 licensed in this state to complete a minimum of one hour,
27 annually, of continuing legal education that focuses on crime
28 victims and how to improve a crime victim's experience within
29 the criminal justice system.

30 DIVISION VIII

31 DISCOVERY

32 Sec. 21. NEW SECTION. 821A.1 **Subpoenas in criminal actions.**

33 1. A criminal defendant or counsel acting on the defendant's
34 behalf shall not issue any subpoena for documents or other
35 evidence except upon application to the court. Such an

1 application shall not be granted unless a defendant proves by a
2 preponderance of the evidence all of the following:

3 *a.* The evidence is material and necessary to prepare a
4 defense.

5 *b.* The defendant has made reasonable efforts to obtain the
6 evidence without invoking compulsory process.

7 *c.* The evidence is not available from any other source.

8 *d.* For evidence that is obtainable by the state only through
9 the execution of a search warrant, the defendant must show
10 probable cause that the information sought contains exculpatory
11 information that is not available from any other source and
12 that there is a compelling need for the evidence to enable the
13 defendant to present a defense at trial.

14 2. This section is the exclusive mechanism for a criminal
15 defendant or counsel acting on the defendant's behalf to issue
16 a subpoena for documents or other evidence.

17 3. An application made pursuant to this section shall not
18 be filed *ex parte*.

19 4. This section shall not apply to a subpoena issued solely
20 to secure the presence of a witness listed in the minutes of
21 testimony at an authorized deposition or to secure the presence
22 of a witness listed in either the minutes of testimony or in
23 the defendant's witness list submitted for a hearing or trial.

24 5. The prosecuting attorney shall not be required to execute
25 or effectuate any order or subpoena issued pursuant to this
26 section.

27 6. If any documents or evidence are obtained pursuant to
28 this section, the criminal defendant or counsel acting on the
29 defendant's behalf must notify the prosecuting attorney within
30 twenty-four hours of obtaining the documents or evidence. The
31 documents or evidence received, or copies of the same, must be
32 provided to the prosecuting attorney as soon as possible.

33 7. Evidence or documents obtained by a subpoena that does
34 not comply with this section shall not be admissible in any
35 criminal action if offered by the defendant.

1 8. Any person who knowingly issues a subpoena that does not
2 comply with this section may be declared in contempt of court.

3 9. Nothing in this section shall eliminate or reduce a
4 criminal defendant's obligation to comply with section 622.10,
5 subsection 4, when seeking privileged records.

6 10. Any provision of law or rule of court promulgated by the
7 supreme court that is inconsistent with this section shall have
8 no legal effect.

9 Sec. 22. NEW SECTION. **821A.2 Discovery depositions in**
10 **criminal actions — witness lists.**

11 1. Discovery depositions shall not be permitted in any
12 criminal action, except upon application to the court and a
13 showing of exceptional circumstances.

14 2. A criminal defendant must file a witness list when the
15 defendant requests or receives any discretionary discovery, the
16 date when any deposition is taken, or ten days before trial,
17 whichever date is earliest. If the defendant fails to timely
18 list a witness, the court shall prohibit the witness from
19 testifying at trial absent good cause shown for the defendant's
20 failure to timely list the witness.

21 3. A person who is not yet a party to a criminal action
22 shall not be permitted to depose another person until the time
23 the person who is not yet a party to the criminal action is
24 charged with or indicted for the associated criminal offense.

25 DIVISION IX

26 POSTCONVICTION RELIEF AND DISCOVERY PROCEDURE

27 Sec. 23. Section 822.7, Code 2022, is amended to read as
28 follows:

29 **822.7 Court to hear application.**

30 The application shall be heard in, and before any judge
31 of the court in which the conviction or sentence took place.
32 However, if the applicant is seeking relief under section
33 822.2, subsection 1, paragraph "f", the application shall be
34 heard in, and before any judge of the court of the county
35 in which the applicant is being confined. A record of the

1 proceedings shall be made and preserved. All rules and
2 statutes applicable in civil proceedings ~~including pretrial~~
3 ~~and discovery procedures~~ are available to the parties, subject
4 to the restrictions contained in section 822.7A. The court
5 may receive proof of affidavits, depositions, oral testimony,
6 or other evidence, and may order the applicant brought before
7 it for the hearing. If the court finds in favor of the
8 applicant, it shall enter an appropriate order with respect to
9 the conviction or sentence in the former proceedings, and any
10 supplementary orders as to rearraignment, retrial, custody,
11 bail, discharge, correction of sentence, or other matters that
12 may be necessary and proper. The court shall make specific
13 findings of fact, and state expressly its conclusions of law,
14 relating to each issue presented. This order is a final
15 judgment.

16 Sec. 24. NEW SECTION. **822.7A Postconviction relief —**
17 **discovery.**

18 This chapter is intended to provide a limited scope of
19 discovery that is no broader than what is afforded to a
20 defendant in a criminal action. Notwithstanding any other
21 statute, rule, or law, the following limitations on discovery
22 and procedure shall apply to a claim for postconviction relief
23 under this chapter.

24 1. An applicant may conduct discovery only by order of the
25 court to be granted upon a showing that the information sought
26 is reasonably calculated to lead to the discovery of admissible
27 evidence to support or defeat a claim that is adequately
28 pled in the application and, if taken as true, constitutes a
29 colorable claim for relief.

30 2. An applicant shall not be permitted to depose or
31 otherwise conduct discovery upon the victim, as defined in
32 section 915.10, of the underlying public offense, unless the
33 applicant proves all of the following by clear and convincing
34 evidence:

35 a. The evidence is necessary to prove the applicant is

1 actually innocent of the underlying public offense and all
2 lesser-included offenses.

3 *b.* The information is not available from any other source.

4 *c.* Contact with a victim is minimized by limitations on
5 the method of discovery including in camera review, remote
6 testimony, or allowing a victim to provide a written statement
7 in lieu of testimony.

8 3. The privileges contained in section 622.10 shall be
9 absolute, except that the filing of an application shall waive
10 any privilege an applicant may claim regarding an attorney who
11 represented the applicant in the underlying criminal action or
12 any previous postconviction action.

13 4. Evidence that would be excluded in a criminal action
14 pursuant to rule of evidence 5.412 shall not be discoverable or
15 admissible in a postconviction action.

16 5. The state shall not be required to produce copies of
17 discovery that was previously disclosed to an applicant in the
18 underlying criminal action or a previous postconviction relief
19 action or which the applicant was in possession of in the
20 underlying criminal action or a previous postconviction action.

21 6. The state shall not be required to produce any discovery
22 contained in a court file accessible to the applicant.

23 7. The state shall not be required to produce any discovery
24 that cannot be lawfully disseminated or that is otherwise
25 confidential by law.

26 8. An applicant shall not be permitted to conduct discovery
27 or seek the appointment of an expert witness through *ex parte*
28 communication or in camera review.

29 9. Depositions shall only be permitted upon a showing of
30 exceptional circumstances, except that the applicant's criminal
31 trial counsel may be deposed by the respondent upon request or
32 by the applicant pursuant to subsection 1 and a victim may only
33 be deposed pursuant to subsection 2.

34

DIVISION X

35

REQUIRED REPORTS TO THE GENERAL ASSEMBLY

1 **Sec. 25. NEW SECTION. 602.6204 Reporting requirement.**

2 The state court administrator shall submit to the governor
3 and to the general assembly, not later than December 15 each
4 year, an annual report which shall include, for the violent and
5 sexual criminal offenses listed in section 902.12, all of the
6 following:

7 1. The number of deferred judgments, deferred sentences,
8 and suspended sentences the court entered, including the
9 criminal offenses involved, during the previous year.

10 2. The number of defendants who received deferred
11 judgments, deferred sentences, and suspended sentences during
12 the previous year.

13 3. The number of cases where the court pronounced judgment
14 and imposed sentence after a defendant failed to comply with
15 the conditions set by the court for a deferred judgment or
16 deferred sentence.

17 4. The number of cases where the court revoked a suspended
18 sentence after a defendant failed to comply with conditions set
19 by the court.

20 5. The types of violations by a defendant of the conditions
21 imposed by the court that resulted in the court pronouncing
22 judgment and imposing sentence or revoking a suspended sentence
23 of a defendant. The report shall include information on
24 whether the violations were technical violations, due to the
25 commission of a new crime, or due to any other reason.

26 **Sec. 26. NEW SECTION. 904.103A Recidivism — annual report.**

27 1. The department, in cooperation with the board of parole,
28 shall submit to the governor and to the general assembly, not
29 later than December 15 each year, an annual report detailing
30 the recidivism rate in the state specifically for the violent
31 and sexual criminal offenses contained in section 902.12.

32 2. The report shall include, at a minimum, all of the
33 following:

34 a. The rate of recidivism, including the percentage and
35 number of offenders who committed another crime within three

1 years of being released from the custody of the department.

2 *b.* The percentage and number of offenders paroled or placed
3 on probation who violate the conditions of the offender's
4 release and are reincarcerated including information regarding
5 offenders who were returned for technical violations, and those
6 who were returned for the commission of a new crime.

7 *c.* Whether there were victims involved in the crimes
8 committed while an offender was paroled or on probation,
9 and whether any of the victims were previous victims of the
10 offender.

11 *d.* The types of offenses that caused the offender to be
12 returned to the custody of the department.

13 *e.* The type of release that preceded the offender's return
14 to the custody of the department.

15 *f.* The number of hearings the board of parole held before
16 the release of an offender who subsequently violated the
17 conditions of release and who was subsequently returned to the
18 custody of the department.

19 DIVISION XI

20 CONDITIONAL GUILTY PLEAS

21 Sec. 27. NEW SECTION. 814.30 Conditional guilty pleas not
22 allowed.

23 A conditional guilty plea that reserves the right to
24 appellate review of an adverse determination of a specified
25 pretrial motion shall not be allowed.>>

26 2. Title page, by striking lines 1 through 3 and inserting
27 <An Act relating to criminal law including the disclosure of a
28 defendant's privileged records in a criminal action, no-contact
29 orders, penalties for domestic abuse>

30 3. Title page, by striking lines 7 and 8 and inserting
31 <actions, postconviction relief procedure, certain reporting
32 requirements, conditional guilty pleas, and making penalties
33 applicable.>

JEFF REICHMAN